

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP BIG LEGGINS,

Defendant.

CR-04-112-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 22, 2022. (Doc. 37.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 18, 2022. (Doc. 32.) The United States accused Big Leggins of violating his conditions of

supervised release; 1) by failing to report to his probation officer within 72 hours of his release from prison; 2) by failing to report for substance abuse treatment.

(Doc. 28.)

At the revocation hearing, Big Leggins admitted to violating the conditions of his supervised release 1) by failing to report to his probation officer within 72 hours of his release from prison; 2) by failing to report for substance abuse treatment. (Doc. 32.) Judge Johnston found that the violations Big Leggins admitted proved to be serious and warranted revocation, and recommended that Big Leggins receive a custodial sentence of 2 months, with 58 months of supervised release to follow with the first 60 days of supervised rrelease at Connections Corrections in Warm Springs, Montana. (Doc. 37.) Big Leggins was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 32.) The violations prove serious and warrant revocation of Big Leggins' supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 37) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Phillip Big Leggins be sentenced to the custody of the United States Bureau of Prisons for 2 months, with 58 months of supervised

release to follow with the first 60 days of supervised release at Connections Corrections in Warm Springs, Montana.

DATED this 8th day of September, 2022.



Brian Morris, Chief District Judge
United States District Court